

DOCKET NO.: 2017004457

CITY OF PINEVILLE

PINEVILLE CITY COURT

VERSUS

PARISH OF RAPIDES

EARL WORDEN

STATE OF LOUISIANA

TESTIMONY AND NOTE OF EVIDENCE ADDUCED  
AT THE BENCH TRIAL  
IN THE ABOVE CAPTIONED MATTER  
HELD ON JUNE 21, 2018  
BEFORE HIS HONOR  
GARY K. HAYES,  
PRESIDING

A P P E A R A N C E S

MR. BRIAN CESPIVA  
CITY OF PINEVILLE  
904 MAIN ST.  
PINEVILLE, LA. 71360  
ATTORNEY FOR PLAINTIFF

MR. EARL WORDEN  
401 6<sup>TH</sup> ST.  
DICKINSON, TX. 77539  
IN PROPER PERSON

RECORDED BY  
MISTY HOLDEN, CDR  
CERTIFIED DIGITAL REPORTER

TRANSCRIBED BY  
VICKIE JOLISSAINT, CDR  
CERTIFIED DIGITAL REPORTER



DOCKET NO.: 2017004457

\* \* \* \* \*

**MASTER INDEX**

\* \* \* \* \*

**CASE CALLED ----- PAGE -1-**

**CITY OF PINEVILLE'S CASE IN CHIEF**

**CITY OF PINEVILLE'S WITNESSES**

**JAMES MICHAEL EVANS**

**DIRECT EXAMINATION ----- PAGE -16-**

**MR. EVAN'S DASH CAM PLAYED ----- PAGE -18-**

**MR. WORDEN'S BODY CAM PLAYED ----- PAGE -24-**

**CROSS EXAMINATION ----- PAGE -47-**

**REDIRECT EXAMINATION ----- PAGE -69-**

**RECROSS EXAMINATION ----- PAGE -76-**

**CITY OF PINEVILLE REST ----- PAGE -79-**

**MR. EARL WORDEN TESTIFIED ----- PAGE -82-**

**CROSS EXAMINATION BY THE CITY OF PINEVILLE ---- PAGE -94-**

**CLOSING ARGUMENT ON BEHALF OF THE CITY OF PINEVILLE**

**BY MR. CESPIVA ----- PAGE -112-**

**CLOSING ARGUMENT BY MR. WORDEN ----- PAGE -117-**

**REBUTTAL ARGUMENT ON BEHALF OF THE CITY OF PINEVILLE**

**BY MR. CESPIVA ----- PAGE -120-**

**COURT'S RULING ----- PAGE -123-**

**MATTER CONCLUDED ----- PAGE -124-**

**-INDEX CONTINUED-**

willfully declined to provide that information, and like they were saying, should you of just merely provided the documentation, we probably wouldn't be here today.

**COURT'S RULING**

BY THE COURT:        However, that is beside the point, so it's the Court's opinion that I do believe that the prosecution was able to prove their case beyond a reasonable doubt, and though - - therefore, I find you **guilty** of the charge.

And let me tell you what I'm going to do at this time, sir. Would you please stand, and come up to the podium? It's - - it's just a misdemeanor, sir. Uh, the maximum is a five hundred dollar (\$500.00) fine, six (6) months in jail. It's not my intent, nor am I going to place you in jail, I don't think this is something that you should be placed into jail about.

Um, but, I will say if, and I don't want to offend you in any way with what you do is, I mean, I think you take risk to another level by what you're doing out there, especially at a military installation, I mean, it causes them to get on high alert. Um, but you do that for a reason, and that's why we have a constitution, which protects you and that reason, but, when you get into that point where you just found - - found guilty of this, that's the reason that it leads to, but, I'm not going to preach to you, hey, you seem like a nice fellow, so the Court is going to sentence you to a three hundred and seventy-five dollar (\$375.00) fine, one hundred and fifty dollar (\$150.00) court cost. Do you need some time to pay that, sir?

BY MR. WORDEN:        Um, I can pay it Monday but, I

would - - I would like to take the case on appeal.

BY THE COURT: Let me tell you what I'm going to do. I'm going to place you on unsupervised probation for sixty (60) days, which will allow you the time to pay your fine and court cost. Okay, sir? Uh, default time, seven (7) days. Good luck to you, sir.

MATTER CONCLUDED

PINEVILLE CITY COURT

STATE OF LOUISIANA

PARISH OF RAPIDES

DOCKET NO.: 2017004457

CITY OF PINEVILLE

VERSUS

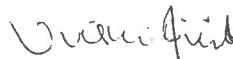
EARL WORDEN

CERTIFICATE

I, **Vickie Jolissaint**, Certified Digital Reporter for the Pineville City Court, State of Louisiana, do hereby certify that the foregoing pages, numbered one (1) through one hundred twenty-four (124) inclusive, constitutes a true and correct transcript, to the best of my ability and understanding, of the testimony and note of evidence adduced at the **BENCH TRIAL** in the above styled and numbered case, in the Pineville City Court, Parish of Rapides, State of Louisiana, at Pineville, Louisiana, before Honorable Gary K. Hayes, presiding, on June 21, 2018. Said matter recorded by Misty Holden, CDR, and transcribed by me.

I FURTHER CERTIFY that I am not related to any of the parties in this matter, am not of counsel for any of them and have no financial interest in the outcome hereof.

IN WITNESS THEREOF, I have hereunto affixed my signature at Pineville, Louisiana, this the 26<sup>th</sup> day of September, 2018.



VICKIE JOLISSAINT, CDR #1052015

CERTIFIED DIGITAL REPORTER